

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1, 4, 8 and 14 have been amended for clarity.

Applicant believes that the above changes answer the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claim 8, and respectfully requests withdrawal thereof.

The Examiner has rejected claim 1 under 35 U.S.C. 101 as being directed to non-statutory subject matter, in that claim 1 is directed at a recording medium with nonfunctional descriptive material stored on it.

Applicant submits that the Examiner is mistaken. While the recording medium has stored thereon encrypted content material and an encrypted secure item, in addition, the recording medium contains a recording indicator for generating a unique identifier upon the writing of encrypted content material on the recording medium. As described in the Substitute Specification on page 8, paragraph [0014], the recording indicator may include a counter whose content is incremented by a modifier, also in/on the recording medium, upon each write operation (of writing encrypted content material onto the recording medium).

As such, Applicant submits that the recording medium as claimed in claim 1 is indeed statutory under 35 U.S.C. 101.

The Examiner has rejected claims 1, 4, 8 and 18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,857,021 to Kataoka et al. The Examiner has apparently found claim 2, 3, 5-7, 9-17, 19 and 20 allowable over the prior art of record.

The Kataoka et al. patent discloses a security system for protecting information stored in portable storage media in which a medium ID, a corporate ID and a terminal ID are used to protect the use of content material. In a particular embodiment described at col. 6, line 51 to col. 7, line 25, a first private key generating means 105 generates a private key, based on a medium ID 121 extracted from the storage medium and a unit ID 104 (e.g., a unique identifier of the computer system or of a portable drive unit. A first encrypting means 107 encrypts a data encryption key 106 with the private key, and the encrypted data encryption key is written into the storage medium. A second encrypting means 108 encrypts the data to be stored with the data encryption key, and the encrypted data is written into the storage medium.

In the subject invention, as claimed in, for example, claims 1, 8 and 14, content material is encrypted using an encryption code. The encrypted content material is then written into a recording medium in a first writing operation. The recording medium includes a recording indicator which, in response to the first writing operation, generates and stores a unique identifier. This unique identifier is used to form a secure item which is then

written into the recording medium in a second writing operation. As claimed in claim 2, the secure item includes an encryption key for facilitating a decryption of the encrypted content material, the encryption key being dependent on the unique identifier (e.g., the encryption code being combined with the unique identifier).

In the current Office Action, the Examiner equates the medium ID with the unique identifier of the subject invention. However, Applicant submits that the Examiner is mistaken. In particular, as described in Kataoka et al., the medium ID is permanently "burned" into the storage medium, e.g., with a laser beam (see col. 3, lines 41-47, col. 4, lines 29-30, col. 6, line 64 to col. 7, line 1). As such, while the medium ID is unique to each storage medium, the medium ID is not unique with regard to each first write operation. In particular, as described in the Substitute Specification on page 8, paragraph [0014], the recording indicator contained in the recording medium, generates and stores in the recording medium, a unique identifier at each occurrence of the first write operation. As such, a different identifier is generated and stored by the recording indicator each time that a first write operation occurs.


With regard to claim 4, since the unique identifier changes with each first write operation, the recording medium further stores the original unique identifier, and a rendering device only renders the content material when the original unique

identifier corresponds to the current unique identifier. Since the medium ID on the storage medium of Kataoka et al., never changes, Applicant submits that there is no need, and as such, no disclosure or suggestion of the generation and storage of the original unique identifier, the generation and storage of the unique identifier, and the comparison of the stored unique identifier and the original unique identifier.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
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